

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
DELTA DIVISION**

NATHAN ANDREW BAGLEY

PLAINTIFF

v.

CASE NO. 2:19-cv-00164-JM

HELENA-WEST HELENA SCHOOL DISTRICT, et al.

DEFENDANTS

STATEMENT OF UNDISPUTED MATERIAL FACTS

Defendants, by their attorneys, for their Statement of Undisputed Material Facts, state:

1. Helena-West Helena School District (“District”) is a public school district operating in Phillips County, Arkansas. *See* Complaint, Dkt. No. 1 at ¶ 2.

2. The District is managed by a locally elected school board but was placed under state control from 2011 until 2016, wherein the Arkansas Secretary of Education served as the school board and made all final decisions, on behalf of the Arkansas State Board of Education. *See* Affidavit of Linda English, attached to Defendants’ Motion as Exhibit 1.

3. While the District was under state control, it had in place an advisory board, but the advisory board was advisory only the Secretary of Education and the advisory board it had no binding vote. *See* Deposition of Plaintiff, attached as Defendant’s Motion as Exhibit 2, at p. 21.

4. In 2016, local control was returned to the District and a new seven-member Board was locally elected in November of 2016, including three female and four males; one of whom was Plaintiff Bagley who, who was elected by the Board to serve as President. *See* Ex. 2, at p. 24; *See* Complaint at ¶¶ 3-9.

5. Beginning in July of 2014, John Hoy, a black male, served as superintendent of the District, appointed by the Secretary of Education since the District was under state control, and

Mr. Hoy served as superintendent up until his resignation, effective at the end of the 2017-2018 school year, June 30, 2018. *See* Complaint at ¶ 24.

6. Mr. Hoy reported to the Secretary of Education during state-control and the locally elected board when local control was returned in 2016. *See* Ex. 2 at 20-24.

7. On the same day that the District was returned to local control the District began the process of applying for public school waivers, waivers which once acquired, made Bagley eligible to apply for the position of Superintendent. *See* Ex. 2 at 26-37.

8. Bagley was heavily involved in the process of acquiring the District's waiver which would allow a non-certified superintendent to serve as superintendent as long as the waiver was in place, testifying in front of the Arkansas House Education committee. *See* Ex. 2 at 26-37.

9. Bagley was only eligible for the position of Superintendent because of the District's temporary waiver, as Bagley did not have an administrator's/superintendent's license at the time he was applying for the position of Superintendent. *See* Ex. 2 at 167.

10. In spring of 2018, following John Hoy's announcement that he would resign at the end of the school year, the District began its search for a new Superintendent and sought applications for the position of Superintendent. *See* Complaint at ¶ 18.

11. Prior to considering applications for the position, Bagley attempted to convince the Board to appoint him Superintendent by foregoing the interview process and naming him Superintendent without interviewing other candidates. *See* Ex. 2 at 40-44; *see also* Deposition of Sanetta Davis, attached to Defendants' Motion as Exhibit 4, at 18-20.

12. In February of 2018, Bagley was in a verbal altercation with a principal in the District, and video evidence showed Bagley yelling and pointing his finger in close proximity to the principal's face. *See* Ex. 4 at 59-60; *see also* Ex. 2 at 120-123.

13. In May of 2018, interviews were held. Bagley was selected as one of thirteen applicants to sit as one of four individuals interviewed. *See* Complaint at ¶ 20.

14. A full interview process was conducted, the Board received resumes, and the applicants were interviewed by a committee that consisted of only three members of the Board and two additional members of the community. *See* Complaint at ¶ 21.

15. Candidates for the position of Superintendent were scored with a rubric, three members of the Board did not fill out rubrics and were not on the interview committee. *See* Complaint at ¶¶ 21-22.

16. There was no written rule, and there is no supportive evidence that the rubric decided who would be appointed as Superintendent. *See* Ex. 2 at 45-49.

17. Only the six members of the Board had legal votes to appoint a Superintendent, and the additional members of the community assisted in the interview process to aid in assessment of the candidates. The Community members did not have votes for who was appointed as Superintendent. *See* Complaint at ¶ 24.

18. Each Board member was free to vote how they wanted. *See* Ex. 2 at 50-52.

19. Bagley was interviewed on Tuesday, May 29, 2018. *See* Ex. 2 at 55.

20. Following the interview process, and a vote by the Board, Linda English, the then Deputy Superintendent, was appointed as Interim Superintendent. *See* Complaint at ¶ 22.

21. Bagley continued his role as President of the Board after Linda English was named Interim Superintendent but was defeated for his seat in November of 2018 by Janice Williams. *See* Ex. 2 at 53-54.

22. After a trial period of almost one year, on June 27, 2019, the District elected to name English the permanent Superintendent. *See* Complaint at ¶ 24.

23. The Board that was responsible for naming Linda English Superintendent was comprised of all black members and was the same Board that conducted interviews in 2018. *See* Complaint at ¶ 25.

24. Shortly after Linda English was named Superintendent, on September 24, 2019, Bagley filed a claim with the Equal Employment Opportunity Commission contending that the Board discriminated against him because of his race. *See* Complaint at ¶ 25.

Respectfully submitted,

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